

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT  
219 South Dearborn Street  
Chicago, Illinois 60604

February 16, 2021

Chief Judge Diane S. Sykes

Nos. 07-21-90005

IN RE COMPLAINT AGAINST A JUDGE:

MEMORANDUM

Complainant filed a misconduct complaint against a magistrate judge who was assigned to his pro se lawsuit. He alleges that the magistrate judge improperly assumed jurisdiction over his case without the consent of both parties. The docket shows otherwise: the magistrate judge never took any action exceeding the jurisdiction conferred upon him by 28 U.S.C. § 636(b)(1)(A) (delegating certain pretrial matters to magistrate judges regardless of party consent). *See also* R. 111 (minute order denying complainant's inquiry into the magistrate judge's jurisdiction). Complainant's allegations are thus refuted by objective evidence—the docket entries and the governing statutes. *See* 28 U.S.C. § 352(b)(1)(B). Moreover, the allegations relate to the merits of the case. Merits-related allegations are not a proper subject of a misconduct complaint. *Id.* § 352(b)(1)(A)(ii).

The complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and (b)(1)(B).